



## COMMITTEE OF ADJUSTMENT

Department of Planning and Building Services  
3540 Schmon Parkway, P.O. Box 1044  
Thorold, ON L2V 4A7  
905-227-6613

January 19, 2024

**TO:** Chairperson and Members of the Committee of Adjustment

**SUBJECT:** Consent Application D10-01-2023  
2115 Kottmeier Road, Thorold, Ontario  
**2731 000 000 027 06300**

### PROPOSAL:

An application has been submitted for consent for the purpose of a minor lot boundary adjustment to an adjacent lot located immediately to the north, and a partial discharge of the existing mortgage.

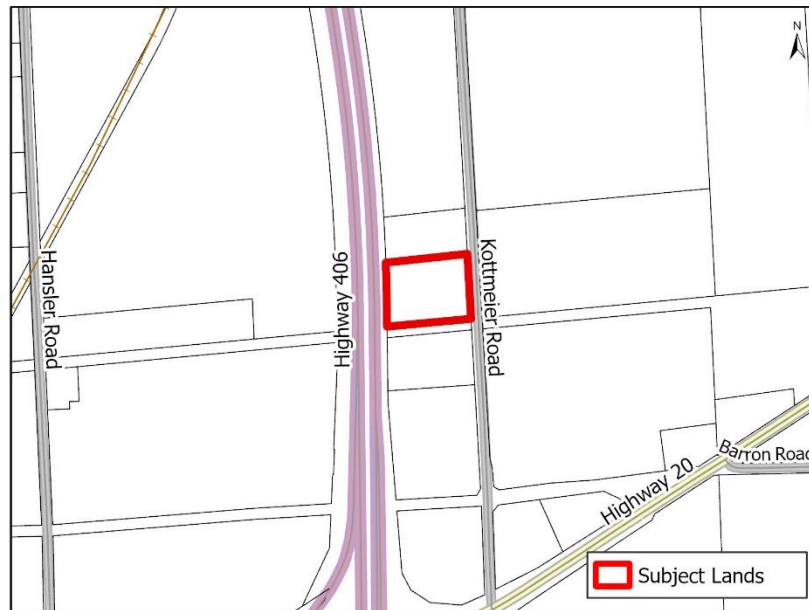


Figure 1: Location Map

### RECOMMENDATION:

That Consent Application D10-01-2024 **BE APPROVED** subject to the attached conditions.

- 1) That the applicant provides the Secretary-Treasurer with a legal description, acceptable to the Registrar, of the subject parcel, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.

- 2) That the owner provides a lawyer's undertaking, to the satisfaction of the City Solicitor, and agrees to forward a copy of documentation confirming the transaction has been carried out, to the City within two years of issuance of the consent certificate, or prior to the issuance of a building permit, whichever occurs first.
- 3) That the subject parcel, being Part 2 of the survey sketch prepared by J.D. Barnes OLS and dated October 3, 2023, be conveyed to the owner of the property to the north, being THOROLD PART TWP LOT 124 and Roll No. 2731 000 000 027 06200 and the subject parcel and the abutting parcel shall be merged in title and become one parcel. A solicitor's written undertaking shall be provided to the Secretary-Treasurer indicating that the necessary steps to implement the conveyance and merge in title will be taken including consolidation of PINS. Section 50(3) or 50(5) of the Planning Act shall apply.
- 4) That the applicant provides the Secretary-Treasurer with a copy of the transfer documents for the conveyance of the subject parcel, or a legal description of the subject parcel to be registered, together with a copy of the deposited reference plan, if applicable, for use in the issuance of the Certificate of Consent.
- 5) That a final certification fee, payable to the City of Thorold, be submitted to the Secretary-Treasurer and that all conditions of consent be fulfilled.
- 6) That all outstanding property taxes be paid prior issuance of the Certificate of Consent.
- 7) That all of these conditions shall be fulfilled within a period of two years after the giving of the Notice of Decision of the Committee of Adjustment, pursuant to Subsection 53(41) of the Planning Act, failing which this consent shall be deemed to be refused.

#### Site Description

The subject lands are proposed to be severed from 2115 Kottmeier Road and conveyed to 2133 Kottmeier Road. The site is located on the west side of Kottmeier Road, north of Highway 20, and south of Holland Road. Kottmeier Road, which both the subject lands and benefiting lands front, is classified as a local road on Schedule D of the City of Thorold Official Plan and has rural cross-section with no curbs, gutters, or sidewalks.

As this application is for a lot line adjustment/lot addition to an adjacent lot and a partial discharge of the existing mortgage, this application will not result in the creation of a new building lot.

**Background**

The application proposes to sever Part 2, which is 125,470 square meters (12.547 ha), of the property from 2115 Kottmeier Road, to be conveyed to 2133 Kottmeier Road, which is immediately to the north of 2115 Kottmeier Road. This severance would result in the retained property at 2115 Kottmeier Road, which is Part 3, having a size of 4325.5 square meters (1.07 ha). With the land addition, the property at 2133 Kottmeier Road would have a size of 24,7890 square meters (24.789 ha).

Both the property at 2115 Kottmeier Road and 2133 Kottmeier Road are currently developed, each with a single-detached dwelling. The portion of land proposed to be severed (Part 2) is currently farmed, and is intended to continue to be farmed by the owner of 2133 Kottmeier Road. The proposed severance will allow the property owner to consolidate the agricultural lands to the primary residence at 2133 Kottmeier Road.

A Pre-Consultation meeting was held for this application on August 3, 2023. No significant concerns were identified by staff. Planning staff indicated that the applicants would need to apply for a consent application in order to facilitate the minor boundary adjustment.

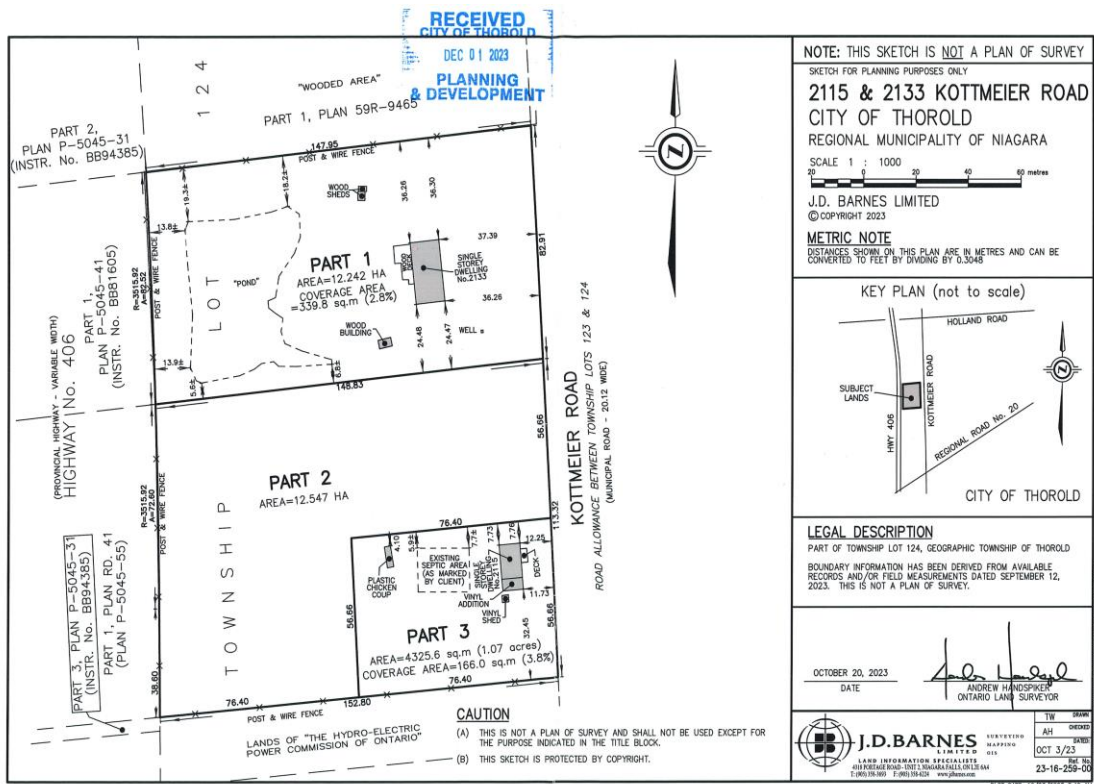


Figure 1: Severance Sketch

## **CONSENT PLANNING ANALYSIS:**

The application for consent was reviewed with consideration of applicable policies in the *Provincial Policy Statement (2020)*, *A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2021)*, the *Regional Official Plan*, the *City of Thorold Official Plan* and the *City of Thorold Comprehensive Zoning By-law 60 (2019)*.

### Provincial Policy Statement (2020) (PPS)

The PPS provides guidance on all land use planning matters in Ontario. All planning decisions must conform to the policies of the PPS. In accordance with Policy 2.3.4.2 of the PPS, lot line adjustments in prime agricultural areas may be permitted for legal or technical reasons. In the opinion of staff, the consent application conforms to the PPS.

### A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2021)

A Place to Grow Plan (P2G), 2021 incorporates key changes intended to address potential barriers to increasing the supply of housing, creating jobs and attracting investments. Section 4 of P2G provides policy direction related to protecting natural features and areas and the diverse agricultural land base throughout the Greater Golden Horseshoe. In relation to the proposed severances, Section 4.2.6 (Agricultural Systems) of P2G applies.

Section 4.2.6.3 identifies ‘...where non-agricultural uses interface outside of settlement areas, lands use compatibility will be achieved by avoiding or minimizing and mitigating adverse impacts on the Agricultural system.’ In the opinion of staff, the proposed lot line adjustments would not impact on the Agricultural system as the lands proposed to be conveyed are a currently farmed portion of land, which is proposed to continue to be farmed. Therefore, the proposed severances would conform to the provisions of the P2G.

### City of Thorold Official Plan

The subject properties are designated as “Agricultural” within the City’s Official Plan (OP). The purpose of the Agricultural designation is to protect and maintain land suitable for agricultural production and permit uses which support and/or are compatible with agriculture and support the economic viability of agricultural land and business.

Per section B2.1.3.3 of the City’s OP, consents within the Agricultural designation may be granted for legal or technical reasons, or to provide for minor lot line adjustments or correct lot boundaries provided such consents do not result in the creation of a new lot.

The consent application conforms to the City’s Official Plan.

### Comprehensive Zoning By-law 60-2019

The subject properties are zoned Agricultural 'A' Zone under the City of Thorold Comprehensive Zoning Bylaw 60-2019. Both the retained and severed parcels meet the general intent of Zoning Bylaw 60-2019 as the proposed uses of the property, agricultural and single-detached dwelling, are permitted in the Agricultural zone. Prior to the proposed minor boundary adjustment application, both of the subject lands were already under the required minimum lot area for Agricultural zoning of 400,000.0 m<sup>2</sup> (40 ha). All other requirements of the A zone are being maintained or exceeded. Since no new lot is being created and this consent is just for a minor boundary adjustment for technical reasons, staff have determined that a minor variance to address the lot sizes is not necessary for this application.

### Regional Official Plan

As per the Regional Official Plan (ROP), the subject lands are within the "Prime Agricultural Area". Per Region Staff comments, ROP Policy 4.1.6.1 d) notes that a consent may be permitted in the Prime Agricultural Area for lot adjustments for legal or technical reasons, provided they do not result in the creation of a new lot. The consent application conforms to the Region's Official Plan.

### **COMMENTS:**

The application was circulated in accordance with the requirements of the Planning Act to property owners within 60 metres of the subject lands. The application was also circulated to internal departments and external agencies for comments, which are summarized below.

### **Agency Comments**

#### Building Division

- No comments provided.

#### Bell Canada

- No comments or concerns.

#### Cogeco

- No comments or concerns.

#### Engineering Division

- No comments or concerns.

Niagara Escarpment Commission

- No comments or concerns.

Hydro One

- No comments or concerns.

MTO

- MTO noted that the subject site described above (2115 Kottmeier Road) appears to be located within the MTO Permit Control Area for the Highway 406 and as a result, the applicant should be made aware that an MTO Building & Land Use Permit will be required from this office prior to the start of any onsite construction/works.
- MTO noted that these comments are preliminary only, and prior to any MTO permit applications being submitted, the MTO requests that the City circulate the official consent application for review, where we will provide more detailed comments.
- As no construction/works are proposed as part of the consent, no requirement for an MTO Permit is anticipated at this time.

Tax Division

- Outstanding taxes to be paid.

Niagara Region

- Region staff noted that the Region does not object to the proposed boundary adjustment, in principle, as it is minor in nature and will not result in the creation of a new lot.
- Region staff recognized that the proposed boundary adjustment will not result in any site alternation, however, staff noted that the requirement for a Stage 1 Archaeological Assessment, along with any subsequent required studies, may be required at the time of any future Planning Act application.
- Region staff noted confirmed the private sewage system for Part 3, known as 2115 Kottmeier Road is wholly contained within the new lot lines.

**Public Comments**

- No Public comments were received as of the date of the writing of the report.

**CONCLUSION:**

It is the recommendation of Planning staff that consent application D10-01-2024 requesting consent for the purpose of a lot boundary adjustment to an adjacent lot, and a partial discharge of the existing mortgage be **approved**, subject to conditions stated herein.

Prepared by:

ORIGINAL SIGNED \_\_\_\_\_

Connor Maclsaac  
Planner, Development Services

This report was prepared in consultation with Tara O'Toole, Manager of Planning